



SCAROLA MALONE & ZUBATOV LLP

Daniel C. Malone
daniel.malone@smzllp.com
212-757-0007 ext. 3202

July 10, 2013

Honorable E. Thomas Boyle
United States Magistrate Judge
United States District Court for the
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: *Konrad v. Epley et al.*,
Case No. 12-CV-4021 (JFB) (ETB) (E.D.N.Y.)

Dear Judge Boyle:

This firm represents defendants Donald Quintin and Melinda Quintin in the case identified above. I enclose a courtesy copy of the moving, opposition, and reply papers for the Quintins motion to dismiss the Complaint.

Those papers, with one exception, were filed yesterday at Docket No. 105 and its attachments, Docket Nos. 105-1 through 105-7. Plaintiff delivered her memorandum in opposition to the motion at the back of Exhibit 8 to plaintiff's affirmation in opposition to the motion. I filed Exhibit 8 at Docket No. 105-6. As the ECF entry indicates, in doing so, I thought that the exhibit included the memorandum in opposition, as did the original; our paralegal and I misunderstood each other, however, and it did not. This morning, I filed Exhibit 8 combined with the memorandum in opposition at Docket No. 106 as a corrected copy of Docket No. 105-6.

I apologize to the Court for this error; I should have checked the exhibit before filing it. I respectfully request that the Court deem Docket No. 106 as having been timely filed at Docket No. 105-6, together with the rest of the bundle of motion papers.

For the Court's convenience, the enclosed papers include a separately bound copy of plaintiff's memorandum in opposition.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'D. Malone', written over a horizontal line.

Daniel C. Malone

Filed by ECF

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cc: Evelyn Konrad, Esq., *plaintiff pro se* (by ECF)
William J. Brown, *defendant pro se* (by email)
David H. Arntsen, Esq., *attorney for defendants*
Mark Epley, Paul Robinson, and Elbert W.
Robinson, Jr. (by ECF)
Declan P. Redfern, Esq., *attorney for defendant*
Denis Guerin (by ECF)